

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE PROCTER & GAMBLE COMPANY,

Plaintiff,

- against -

PLAYTEX PRODUCTS, INC.,

Defendant.

x

: 08 Civ. 01532 (WHP) (THK)

: **Defendant Playtex Products,
Inc.'s Amended Motion to File
Under Seal**

: Electronically Filed

x

Pursuant to the parties' teleconference with the Court on May 21, 2008, Defendant Playtex Products, Inc. ("Playtex") respectfully submits this Amended Motion to File Under Seal.

GROUND FOR MOTION

On April 25, 2008, the Court issued a Protective Order governing the use of Confidential Information in the above-captioned matter. Paragraph 10 of the Protective order states as follows:

10. To the extent that the parties wish to file any materials designated CONFIDENTIAL or HIGHLY CONFIDENTIAL with the Court, the parties must seek leave of the Court to file such documents under seal as required by Judge Pauley's Individual Rules. If the Court grants permission, such materials shall be filed in sealed envelopes on which shall be endorsed the title of this action, an indication of the nature of the contents of such sealed envelope, the word(s) "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" as applicable and a statement substantially in the following form:

THIS DOCUMENT IS FILED UNDER SEAL PURSUANT TO THE PROTECTIVE ORDER OF THIS COURT ENTERED IN THIS ACTION AND SHALL NOT BE OPENED EXCEPT BY THE COURT OR UPON ORDER OF THE COURT OR BY STIPULATION OF THE PARTIES TO THIS ACTION

Protective Order, p. 6, ¶ 10.

Playtex has prepared: (1) a Consolidated Memorandum in Opposition to Plaintiff's Motion for Summary Judgment of *Res Judicata* and in Support of its Cross-Motion for

Summary Judgment of No *Res Judicata*; and (2) a supporting declaration of Keith Edgett. These documents contain certain references to trade secret information regarding product changes, which will be redacted as CONFIDENTIAL. Plaintiff does not object to the filing of these materials in redacted form, with the un-redacted versions being filed under seal.

Playtex respectfully requests that the Court grant this motion and enter an order allowing Playtex to: (1) redact the sentences containing trade secret information regarding product changes from (a) its Consolidated Memorandum in Opposition to Plaintiff's Motion for Summary Judgment of *Res Judicata* and in Support of its Cross-Motion for Summary Judgment of No *Res Judicata*, and (b) the supporting declaration of Mr. Edgett; and (2) file un-redacted versions of these papers under seal pursuant to paragraph 10 of the Protective Order.

Dated: May 21, 2008

DAVIS POLK & WARDWELL

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Inc.*

SO ORDERED:

WILLIAM H. PAULEY III
UNITED STATES DISTRICT JUDGE